

ESTTA Tracking number: **ESTTA59897**

Filing date: **12/30/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Sanofi-Aventis
Granted to Date of previous extension	01/01/2006
Address	174 Avenue de France Paris, 75013 FRANCE
Attorney information	Susan Upton Douglass Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza New York, NY 10017 UNITED STATES sdouglass@frosszelnick.com Phone:(212) 813-5900

Applicant Information

Application No	78476407	Publication date	07/05/2005
Opposition Filing Date	12/30/2005	Opposition Period Ends	01/01/2006
Applicant	Ivax Research, Inc. 4400 Biscayne Blvd. Miami, FL 33137 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: Pharmaceutical preparation for use as an anticonvulsant
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Attachments	051230-0509337-Notice of Opposition-GABARONE by Ivax Research, Inc.-final.pdf (3 pages) 051230-CORDARONE TARR printout.pdf (3 pages)
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Signature	/susan upton douglass/
Name	Susan Upton Douglass
Date	12/30/2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Opposer's Ref.: SYN USA TC-05/09337

In the Matter of Application Serial No. 78/476407
Trademark: GABARONE

-----X	X
SANOFI-AVENTIS,	:
	:
Opposer,	:
	:
- against -	:
	:
IVAX RESEARCH, INC.	:
	:
Applicant.	:
-----X	X

NOTICE OF OPPOSITION

Opposer, Sanofi-Aventis, a French corporation located and doing business at 174 avenue de France, 75013 Paris, France, believes that it would be damaged by the issuance of a registration for the trademark GABARONE, as applied for in application Serial No. 78/476407, and therefore opposes the same. As grounds for the opposition, opposer, by its attorneys Fross Zelnick Lehrman & Zissu, P.C., alleges as follows:

- 1) Since prior to any date upon which applicant can rely, opposer and its predecessors in interest and related companies (collectively "Opposer") have used the mark CORDARONE for pharmaceutical preparations for the treatment of cardiac and circulatory disorders in the United States, and is continuing to do so. Opposer has invested a substantial amount of time, effort and money in promoting the CORDARONE mark. As a result, the mark has become distinctive of opposer's goods and has come to represent enormous good will for opposer.

- 2) Opposer owns U.S. Reg. No. 1265509, registered on January 31, 1984 and renewed on January 31, 2004, for the mark CORDARONE for amiodarone hydrochloride sold for use for the treatment of cardiac and circulatory disorders in International Class 5. Opposer's registration is valid, subsisting, and in full force and effect, and has become incontestable under Section 15 of the Trademark Act. As such, the registration serves as conclusive evidence of opposer's exclusive right to use the mark. A TARR printout of the foregoing registration is attached.
- 3) On August 31, 2004, applicant, Ivax Research, Inc., filed the application at issue to register the mark GABARONE for pharmaceutical preparation for use as an anticonvulsant in International Class 5, on the basis of intent to use.
- 4) On information and belief, applicant made no use of this mark prior to its filing date of August 31, 2004.
- 5) The mark that applicant seeks to register, GABARONE, is highly similar in sound and appearance to opposer's CORDARONE mark, and will be used on pharmaceutical products related to those sold by opposer. Based on the similarities of the marks and the goods, the public is likely to associate the goods offered by applicant under the mark GABARONE with opposer or with opposer's pharmaceuticals, or to believe that applicant's goods are sponsored, endorsed or licensed by opposer, or that there is some relationship between applicant and opposer.
- 6) For the reasons set forth above, any use of the mark GABARONE by applicant is likely to cause confusion, or to cause mistake, or to deceive the public, and cause the public to believe that the goods under the mark GABARONE emanate from or

are otherwise sponsored by or endorsed by opposer, in violation of Section 2(d) of the Lanham Act. By reason of the foregoing, opposer will be damaged by registration of the mark GABARONE to applicant.

WHEREFORE, it is respectfully requested that this opposition be sustained, and that the registration sought by application Serial No. 78/476407 be denied.

Dated: New York, New York
December 30, 2005

Respectfully submitted,

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: /Susan Upton Douglass/
Susan Upton Douglass
Attorneys for Opposer
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New York, New York 10017
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Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2005-12-30 15:19:47 ET

Serial Number: 73278622 Assignment Information

Registration Number: 1265509 Assignment Information

Mark (words only): CORDARONE

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2004-03-09

Filing Date: 1981-01-15

Transformed into a National Application: No

Registration Date: 1984-01-31

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2004-03-11

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SANOFI-AVENTIS

Address:

SANOFI-AVENTIS
174 AVENUE DE FRANCE
75013 PARIS
France

Legal Entity Type: Corporation

State or Country of Incorporation: France

GOODS AND/OR SERVICES

International Class: 005

Amiodarone Hydrochloride Sold for Use for the Treatment of Cardiac and Circulatory Disorders

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 44(e)

ADDITIONAL INFORMATION

Foreign Registration Number: 720,289

Foreign Registration Date: 1967-03-22

Country: France

Foreign Expiration Date: 1987-03-08

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-03-09 - First renewal 10 year

2004-03-09 - Section 8 (10-year) accepted/ Section 9 granted

2004-01-20 - Combined Section 8 (10-year)/Section 9 filed

1989-08-25 - Section 8 (6-year) accepted & Section 15 acknowledged

1989-05-22 - Section 8 (6-year) and Section 15 Filed

1983-11-08 - Published for opposition

1984-01-31 - Registered - Principal Register

1983-11-08 - Published for opposition

1983-09-21 - Notice of publication

1983-08-18 - Approved for Pub - Principal Register (Initial exam)

1983-08-15 - Communication received from applicant

1983-05-18 - Non-final action mailed

1993-02-28 - Abandonment - Failure To Respond Or Late Response

1982-02-01 - Non-final action mailed

1981-09-28 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent

SUSAN UPTON DOUGLASS (Attorney of record)

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NEW YORK, NY 10017

Domestic Representative

GIFFORD, GROH, SHERIDAN & ETAL
